

Remarks

This Application has been carefully reviewed in light of the Office Action mailed March 26, 2003. Applicant appreciates the Examiner's consideration of Applicant's Appeal Brief. Although Applicant believes all pending claims are allowable without amendment, to expedite issuance of this Application Applicant has made certain clarifying amendments to Claims 1, 6, 10-11, 13, 17, 22, 26-27, 29, 33, 38, and 42-43, have canceled Claims 4, 8-9, 16, 20, 24-25, 32, 36, and 40-41 without prejudice or disclaimer, and have added new claims 48-63 which are fully supported by Applicant's original specification. At least certain of these changes are not narrowing. None of these changes are considered necessary for patentability. Applicant also respectfully provides the following remarks. Applicant respectfully requests reconsideration and allowance of all pending claims.

Claims 1-47 are allowable under 35 U.S.C. § 101

The Examiner rejects Claims 1-47 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees.

The patent laws define patentable subject matter as "any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereto." *See* 35 U.S.C. § 101. When an abstract idea is reduced to a practical application, the abstract idea no longer stands alone if the practical Application of the abstract idea produces a useful, concrete, and tangible result. This then satisfies the requirements of 35 U.S.C. § 101. *See In re Alappat*, 33 F.3d 1526, 1544, 31 U.S.P.Q. 2d 1545, 1557 (Fed. Cir. 1994); see also *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 U.S.P.Q. 2d 1596, 1601-02 (Fed. Cir. 1998). While an abstract idea by itself may not satisfy the requirements of 35 U.S.C. § 101, an abstract idea when practically applied to produce a useful, concrete, and tangible result satisfies 35 U.S.C. § 101. *See AT&T Corp. v. Excel Comm. Inc.*, 172 F.3d 1352, 1357, 50 U.S.P.Q. 1447, 1452 (Fed. Cir. 1999) (stating that as technology progressed, the CCPA overturned some of the earlier limiting principles regarding 35 U.S.C. § 101 and announced more expansive principles formulated with computer technology in mind); *see also In re Musgrave*, 431 F.2d 882, 167 U.S.P.Q. 280 (CCPA 1970) (cited by the Federal Circuit in *AT&T Corp.*, 172 F.3d at 1356). Thus,

producing a useful, concrete, and tangible result is the key to patentability according to *State Street* and other applicable case law.

"Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. 101." M.P.E.P. § 2106. Indeed, a method or process remains statutory even if some or all of the steps therein can be performed in the human mind, with the aid of the human mind, or because it may be necessary for one performing the method or process to think. *See In re Musgrave*, 431 F.2d at 893, 167 U.S.P.Q. at 289. As stated by the Federal Circuit in *State Street* and as explicitly confirmed in the M.P.E.P., "[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete, and tangible result' -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades." *State Street*, 149 F.3d at 1373, 47 U.S.P.Q. 2d at 1601-02; M.P.E.P. § 2106. Applicant respectfully submits that Claims 1-47 plainly produce a useful, concrete, and tangible result and are therefore directed to patentable subject matter.

As to independent Claim 17, Claim 17 as amended recites a computer-implemented method performed "*using a computer system comprising one or more processing units and one or more memory units*," where the generated global solution includes an option for resolving the "*computer-implemented multi-party negotiation*." Thus, using the Examiner's standard, Claim 17 plainly recites a method having a "nexus with a tangible technological item such as a computer."

Further as to independent Claim 17, multi-party constrained optimization involving "*generating a global solution to an optimization problem*," where the global solution includes "*an option for resolving the computer-implemented multi-party negotiation*," is one practical application of Claim 17. The corresponding useful, concrete, and tangible result is the resulting generated global solution to the global optimization problem, where the global solution includes an option for resolving the computer-implemented multi-party negotiation. Claim 17 is not rendered non-statutory simply because there might in certain situations be a

number of global solutions that satisfy the global optimization problem. Claim 17 recites generating one such global solution, doing so is certainly assured, and doing so plainly provides a useful, concrete, and tangible result with respect to resolving the computer-implemented multi-party negotiation. As an analogy, a claim directed to a supply chain planning method could not properly be considered non-statutory simply because the claim recited generating a plan according to a number of constraints, despite the fact that there may be a number, perhaps even an infinite number, of feasible plans. The generated plan would still be useful, concrete, and tangible, allowing the enterprise for which the plan is generated to conduct operations according to the plan. As an even simpler analogy, a claim could not properly be considered non-statutory simply because the claim recited determining a temperature, position, or other value within a specified range of values, despite the fact that there are an infinite number of temperatures, positions, or other values in the range of values. This is especially true where, as in the present case, the determined value is plainly useful in a concrete and tangible way. If the Examiner maintains the rejection of Claims 17-32 on the basis that "the output is not assured since there can be a plurality of global solutions that satisfy the threshold values," Applicant respectfully requests the Examiner to provide legal support for this alleged standard from the M.P.E.P. or governing Federal Circuit case law.

Further as to independent Claim 17, Claim 17 no longer recites the first and second optimal values, such that Applicant has not addressed the Examiner's remarks in detail with respect to Claim 17. However, as to new Claim 51 which does recite the first and second optimal values, Applicant respectfully submits that Claim 51 recites with sufficient clarity "how to use" the first and second optimal values in generating a global solution. Claim 51 recites "*determining a first optimal value for the at least one first objective considering the one or more first constraints for the first optimization problem,*" "*determining a second optimal value for the at least one second objective considering the one or more second constraints for the second optimization problem,*" and "*generating a global solution to a global optimization problem*" where the global solution represents "*a first excess between the global solution and the first optimal value and a second excess between the global solution and the second optimal value, the global solution being generated considering a fairness criterion specifying that the first excess is to minimally deviate from the first optimal value and that the second excess is to minimally deviate from the second optimal*

*value considering the one or more first constraints and the one or more second constraints.*" Example support for this claim language in Applicant's specification is found at, for example: Page 9, Lines 14-16; Page 9, Line 27 to Page 10, Line 7; and Page 10, Line 29 to Page 11, Line 2. Applicant respectfully submits that Claim 51 plainly recites with sufficient clarity "how to use" the first and second optimal values in generating a global solution.

As to Claims 1-16 and 33-47, Applicant respectfully submits that the Examiner's basis for rejecting these claims as being "drawn to a system operable to practice" (Claims 1-16) and "drawn to software which practices" (Claims 33-47) the allegedly non-statutory method of Claims 17-32 is legally improper, at least to the extent the Examiner's comments are based on the alleged lack of a "nexus with a tangible technological item such as a computer" in independent Claim 17. In any event, independent Claims 1 and 33 have been amended to incorporate limitations similar to those recited in independent Claim 17 as amended, discussed above. If the Examiner maintains the rejections of Claims 1-16 and 33-47 on this basis, Applicant respectfully requests the Examiner to provide legal support for this alleged standard from the M.P.E.P. or governing Federal Circuit case law.

As to dependent Claims 7-9, Applicant reiterates the substance of remarks provided above; that is, that a claim reciting generating a global solution is not rendered non-statutory simply because a number of such solutions may be possible in certain situations. Claim 8-9 have been canceled, and Claims 24-25 depending from independent Claim 1 and Claims 40-41 depending from independent Claim 33 have been similarly canceled. As to the use of "one or more fairness criteria" as previously recited in Claims 8-9, Applicant's specification describes in detail, at Page 9, Line 27 to Page 11, Line 2 for example, how one or more fairness criteria may be used. Although perhaps unnecessary, it is possible to satisfy multiple fairness criteria simultaneously. For example, it is quite possible to satisfy both an equal distribution criterion and a geometric distribution criterion such that, depending on the first and second objective values and the first and second threshold values, both fairness criteria would be satisfied simultaneously and the result would be deemed more fair in the eyes of the parties to the negotiation than if only one of these fairness criteria was satisfied. In any event, to simplify the issues under consideration, Applicant has removed the allegedly

problematic language from the claims. Independent Claims 1, 17, 33, and 51 now recite the use of a fairness criterion.

All of the Examiner's rejections under 35 U.S.C. § 101 having been earnestly and thoroughly addressed, Applicant respectfully requests reconsideration and allowance of Claims 1-47 and consideration and allowance of new Claims 48-63.

**Claims 1-47 are allowable under 35 U.S.C. § 112, first paragraph**

The Examiner rejects Claims 1-47 under 35 U.S.C. § 112, first paragraph, "as containing subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." Applicant respectfully disagrees.

As discussed above, independent Claim 17 no longer recites the first and second optimal values, such that Applicant has not addressed the Examiner's remarks in detail with respect to Claim 17. However, as discussed above, new Claim 51 recites "*determining a first optimal value for the at least one first objective considering the one or more first constraints for the first optimization problem,*" "*determining a second optimal value for the at least one second objective considering the one or more second constraints for the second optimization problem,*" and "*generating a global solution to a global optimization problem*" where the global solution represents "*a first excess between the global solution and the first optimal value and a second excess between the global solution and the second optimal value, the global solution being generated considering a fairness criterion specifying that the first excess is to minimally deviate from the first optimal value and that the second excess is to minimally deviate from the second optimal value considering the one or more first constraints and the one or more second constraints.*" Example support for this claim language in Applicant's specification is found at, for example: Page 9, Lines 14-16; Page 9, Line 27 to Page 10, Line 7; and Page 10, Line 29 to Page 11, Line 2. Applicant respectfully submits that Claim 51 plainly recites with sufficient clarity "how to use" the first and second optimal values in generating a global solution.

As to dependent Claims 8-9, 24-25, and 40-41, Applicant reiterates the substance of remarks provided above; that is, although these claims have been canceled, as to independent Claims 1, 17, 33, and 51 Applicant's specification describes in detail, at Page 9, Line 27 to Page 11, Line 2 for example, how a fairness criterion may be used. In particular, Applicant's specification describes at Page 9, Line 27 to Page 10, Line 4 how a fairness criterion may be used to select a particular global solution from among multiple global solutions:

In addition, global solutions 54 transmitted to the parties 12 should be mutually consistent and, preferably, globally Pareto-optimal and fair. In one embodiment, it is undesirable to settle for a particular global solution 54 when another global solution 54 can do better than merely meeting transmitted thresholds or otherwise being consistent with transmitted values relating to objectives 34. Broker 14 may use one or more agreed upon fairness criteria to fairly distribute such excess.

Applicant respectfully submits that one of ordinary skill in the art would readily understand based on these and other portions of Applicant's specification "how to use" the first and second optimal values in generating a global solution. Applicant also respectfully submits that one of ordinary skill in the art would also readily understand based on these and other portions of Applicant's specification that where a fairness criterion is applied (e.g., in a situation where the first and second threshold values (Claims 1, 17, and 33) or the first and second optimal values (Claim 51) are exceeded), the excess (e.g., the amount by which the first and second threshold values (Claims 1, 17, and 33) or the first and second optimal values (Claim 51) are exceeded) is fairly distributed according to the particular fairness criterion applied.

Applicant believes the Examiner's remarks in Paragraph 6 of the Office Action are fully addressed in Applicant's remarks above.

All of the Examiner's rejections under 35 U.S.C. § 112, first paragraph, having been earnestly and thoroughly addressed, Applicant respectfully requests reconsideration and allowance of Claims 1-47 and consideration and allowance of new Claims 48-63.

**Claims 1-47 are allowable under 35 U.S.C. § 112, second paragraph**

The Examiner rejects Claims 1-47 under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim" the subject matter which Applicant regards as the invention. Applicant respectfully disagrees.

As discussed above, independent Claim 17 no longer recites the first and second optimal values, such that Applicant has not addressed the Examiner's remarks in detail with respect to Claim 17. Furthermore, the phrases "according to" and "in accordance with" are no longer present in any of independent Claims 1, 17, 33, and 51. However, Applicant respectfully submits that one of ordinary skill in the art would readily understand what was meant by determining an optimal value "according to" an optimization problem and generating a solution to an optimization problem "in accordance with" such an optimal value. As discussed on Page 6 of Applicant's Appeal Brief, the techniques for generating an optimal value according to an optimization problem are well known to those of ordinary skill in the art. In the claims, Applicant used the phrases "according to" and "in accordance with" according to and in accordance with their commonly understood meaning. However, as noted above, since these phrases are no longer present in any of independent Claims 1, 17, 33, and 51, Applicant's believe this issue has been removed from consideration.

As to Claims 4, 20, and 26, these claims have been canceled without prejudice or disclaimer. Applicant therefore has not responded in detail to the Examiner's remarks directed to these claims.

All of the Examiner's rejections under 35 U.S.C. § 112, second paragraph, having been earnestly and thoroughly addressed, Applicant respectfully requests reconsideration and allowance of Claims 1-47 and consideration and allowance of new Claims 48-63.

**Claims 1-47 are allowable under 35 U.S.C. § 103(a)**

The Examiner rejects Claims 1-10, 15-26, and 31-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,495,412 to Thiessen et al. (*Thiessen*). Although the Examiner does not explicitly reject Claims 11-14, 27-30, and 43-47, Applicant presumes based on the Examiner's remarks on Pages 9-10 of the Office Action that the Examiner

intended to do so and Applicant has responded accordingly. Applicant respectfully submits that *Thiessen* fails to disclose, teach, or suggest the combination of limitations specifically recited in Applicant's claims.

**Independent Claims**

*Thiessen* plainly fails to disclose, teach, or suggest at least the following limitations recited in independent Claims 1, 17, and 33 as amended:

*the global solution representing a first excess between the first objective value and the first threshold value and a second excess between the second objective value and the second threshold value, the global solution being generated considering a fairness criterion specifying one of the following:*

*that the first excess must equal the second excess, the fairness criterion comprising an equal distribution criterion;*

*that a ratio of the first excess to the second excess must equal a ratio of the first threshold value to the second threshold value, the fairness criterion comprising a geometric distribution criterion;*

*that a ratio of the first excess to the second excess must equal a ratio of a first weight for the first party to a second weight for the second party, the fairness criterion comprising a weighted distribution criterion; and*

*that a ratio of the first objective value to the first threshold value must equal a first weight for the first party and a ratio of the second objective value to the second threshold value must equal a second weight for the second party, the fairness criterion comprising a weighted geometric distribution criterion.*

In fact, *Thiessen* even fails to disclose, teach, or suggest, as recited in Claims 1, 17, and 33 as amended, "*the global solution representing a first excess between the first objective value and the first threshold value and a second excess between the second objective value and the second threshold value, the global solution being generated considering a fairness criterion*" specifying the manner in which the first and second excesses are to be distributed between the parties. As the Examiner notes on Page 8 of the Office Action with respect to Claims 24-25 as formerly presented, *Thiessen* merely discloses generating "an equivalent alternative" as a set of values "that will provide each party with the same total satisfaction" in absolute terms. (Column 10, Lines 23-26). *Thiessen* discloses nothing regarding excesses corresponding to thresholds which are to be fairly distributed to the parties according to a particular fairness criterion. Thus, contrary to the Examiner's

assertion, this portion of *Thiessen* necessarily does not disclose, teach, or suggest an equal distribution criterion in which "*the first excess must equal the second excess*," as now recited in Claims 1, 17, and 33, much less any other fairness criterion now recited in Claims 1, 17, and 33.

For at least the above reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 1, 17, and 33, and all claims that depend on these claims.

Regarding Claims 1, 17, and 33 as formerly presented, the Examiner admits that "Thiessen does not show determining first and second optimal values according to the first and second optimization problems, respectively." However, according to the Examiner, in hindsight and with the benefit of Applicant's claims as a blueprint, "it would have been an obvious matter of design choice to determine first and second optimal values and solve the problem according to them since the specification does not show that this step is for any particular reason or solves a particular problem and it appears that the method would work equally well in either configuration."

Although Claims 1, 17, and 33 no longer recite determining first and second optimal values, new independent Claim 51 does recite these limitations. Applicant respectfully submits that rejection of Claim 51 on the same basis would be improper because the Examiner has not shown the required suggestion or motivation in *Thiessen* or in the knowledge generally available to one of ordinary skill in the art at the time of the invention to modify *Thiessen* in the manner the Examiner proposes. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P. § 2143.01 (emphasis in original). Nothing in *Thiessen* or in any other prior art of record suggests or motivates the proposed modification, nor has the Examiner provided specific evidence that suggests or motivates the proposed modification.<sup>1</sup> Applicant respectfully notes that speculation in hindsight, with the

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<sup>1</sup> If "common knowledge" or "well known" art is being relied on, Applicant again respectfully requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. If personal knowledge is being relied on to supply the required motivation or suggestion to modify, Applicant again respectfully requests that an affidavit supporting such facts be provided pursuant to M.P.E.P. § 2144.03.

benefit of Applicant's claims as a blueprint, that "it would have been an obvious matter of design choice" is insufficient under the M.P.E.P. and governing Federal Circuit case law.

If anything, *Thiessen* teaches away from the proposed modification. As discussed in previous Responses, *Thiessen* merely discloses determining a satisfaction function for each party, combining the satisfaction functions to generate an optimization problem, and then solving the optimization problem. Given the limited disclosure of *Thiessen*, there would be no reason whatsoever to determine "a first optimal value for the at least one first objective considering the one or more first constraints for the first optimization problem" and determine "a second optimal value for the at least one second objective considering the one or more second constraints for the second optimization problem" in generating a global solution to a global optimization problem as recited in Claim 51.

Additionally as to new independent Claim 51, as discussed above, the specification does provide one or more reasons to determine first and second optimal values for the first and second optimization problems, respectively. For example, in one embodiment, the specification states:

Broker 14 may, instead or in addition to receiving a threshold value from a party 12, generate an optimal value according the optimization problem for party 12, to which solution values will be compared.

(Application, Page 9, Lines 14-16)

Using an minimum deviation from optimal criterion, . . . the optimal values of objectives 34 (which broker 14 may generate according to the transmitted optimization problems) are used while considering all the transmitted constraints 36 that relate to the objectives 34.

(Application, Page 10, Lines 29-32)

That is, the global solution represents a first excess between the global solution (i.e. a first objective value for the first objective) and the first optimal value, represents a second excess between the global solution (i.e. a second objective value for the second objective) and the second optimal value, and is generated considering a fairness criterion specifying that the first

excess is to minimally deviate from the first optimal value and that the second excess is to minimally deviate from the second optimal value considering the one or more first constraints and the one or more second constraints, as recited in Claim 51. Accordingly, the specification plainly provides a reason for determining first and second optimal values for the first and second optimization problems, respectively, as recited in Claim 51.

Contrary to the Examiner's assertion with respect to Claims 1, 17, and 33 as formerly presented, the invention recited in Claim 51 would not work equally well with or without determining first and second optimal values for the first and second optimization problems, respectively. In fact, the invention recited in Claim 51 plainly requires determining first and second optimal values for the first and second optimization problems, respectively.

In any event, *Thiessen* certainly fails to disclose, teach, or suggest in any manner whatsoever using the first and second optimal values to fairly distribute first and second excesses as specifically recited in Claim 51:

- *the global solution representing a first excess between the global solution and the first optimal value and a second excess between the global solution and the second optimal value*
- *the global solution being generated considering a fairness criterion specifying that the first excess is to minimally deviate from the first optimal value and that the second excess is to minimally deviate from the second optimal value considering the one or more first constraints and the one or more second constraints*

For at least the above reasons, Applicant respectfully requests consideration and allowance of new independent Claim 51 and all claims that depend on this claim.

#### **Dependent Claims**

Applicant has demonstrated independent Claims 1, 17, 33, and 51 to be allowable. Claims 2-16 and 48, 18-32 and 49, 34-47 and 50, and 52-63 depend on Claims 1, 17, 33, and

51, respectively, and are also allowable for at least this reason. In addition, these dependent claims recite numerous additional patentable distinctions over the prior art of record.

For example, *Thiessen* does not disclose, teach, or suggest receiving "filtering information from the first party and the second party" and using "the filtering information to determine one or more filtered global solutions from among the global solutions according to a filtering approach," as recited in Claims 11, 27, 43, and 58. The Examiner states that *Thiessen* discloses "communicating possible alternative solutions to the parties, and receiving and applying filtering information comprising a weighted preferences approach from the parties," that *Thiessen* does not disclose "accomplishing these steps after computation of the global solution," but that "it would have been an obvious matter of design choice to modify the method of Thiessen by accomplishing the filtering steps after the global solution has been computed since applicant does not state that accomplishing the filtering in this manner at this time if for any particular reason . . . and it appears that the method would work equally well in either configuration." (Office Action, Page 9)

First, Applicant again respectfully notes that a conclusory statement, necessarily involving speculation in hindsight with the benefit of Applicant's claims as a blueprint, that "it would have been an obvious matter of design choice" is insufficient under the M.P.E.P. and governing Federal Circuit case law.

Second, contrary to the Examiner's assertions, the specification explicitly provides one or more reasons for receiving "filtering information from the first party and the second party" and using "the filtering information to determine one or more filtered global solutions from among the global solutions according to a filtering approach," as recited in Claims 11, 27, 43, and 58. For example, as explicitly described in the specification, a solution filtering stage 56 may be performed "to discard any unacceptable discovered global solutions 54 and generate a set of one or more filtered solutions 58" and to allow a solution selection stage 60 "to select a single global solution 54 from among the filtered solutions 58 and generate a set of one or more selected solutions 62." (Application, Page 8, Lines 23-26) It is axiomatic that filtering of global solutions must be performed after the global solutions have been generated. Furthermore, also as explicitly described in the specification, filtering stage 56 may allow

parties 12 to, for example: (1) veto global solutions 54; (2) rank global solutions 54 such that global solution 54 lacking Pareto-optimal rankings are discarded; (3) provide values for global solutions 54 indicating the relative strength of their preferences for global solutions 54 such that global solutions 54 that optimize the total weight are determined and remaining global solutions 54 are discarded; and (4) combine two or more of the above. (Application, Page 11, Lines 3-12) Aspects relating to these alternatives are recited in Claims 12, 28, 44, and 59 which depend on Claims 11, 27, 43, and 58, respectively.

Moreover, Applicant respectfully submits that there is no required motivation to modify *Thiessen* to include the recited features, if such were even possible, especially in light of the stringent standards for doing so under the M.P.E.P. and governing Federal Circuit case law. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11-12, 27-28, 43-44, and 58-59 and all claims that depend on these claims.

As another example, *Thiessen* does not disclose, teach, or suggest using "the selection information to determine a selected global solution from among the communicated global solutions according to a selection approach," as recited in Claims 13, 29, 45, and 60, or the selection approach being selected from the group consisting of "an auction approach" and "a random selection approach," as recited in Claims 14, 30, 46, and 61. The Examiner admits that *Thiessen* "does not disclose choosing the solution via an auction approach." (Office Action, Page 10) Applicant respectfully submits that there is no motivation to modify *Thiessen* to include these features, if such were even possible, especially in light of the stringent standards for doing so set forth above. Applicant again respectfully notes that a conclusory statement, necessarily involving speculation in hindsight with the benefit of Applicant's claims as a blueprint, that "it would have been obvious" is insufficient under the M.P.E.P. and governing Federal Circuit case law. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 13-14, 29-30, 45-46, and 60-61.

Because Applicant believes the allowability of the independent claims and certain dependent claims has been amply demonstrated, and to avoid further burdening the record, Applicant has not provided detailed remarks concerning other dependent claims. However, Applicant remains ready to provide such remarks if it becomes appropriate to do so.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of all dependent claims.

**Conclusion**

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, the Attorney for Applicant, at the Examiner's convenience at (214) 953-6812.

Applicant attaches a check for \$410.00 to cover the cost of filing a two-month extension of time. Applicant also attaches a check for \$174.00 to cover the cost of 1 additional independent claim over 3 and 5 additional claims over 30. Although Applicant believes no other fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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